

PENSIONS AND INCREASE OF PENSIONS FOR CERTAIN SOLDIERS AND SAILORS OF THE REGULAR ARMY, ETC.

MARCH 9, 1910.—Ordered to be printed.

Mr. McCUMBER, from the Committee on Pensions, submitted the following

REPORT.

[To accompany H. R. 20490.]

The Committee on Pensions, to whom was referred the bill (H. R. 20490) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, have examined the same and report:

The report of the Committee on Pensions of the House of Representatives, hereto appended, is, in part, adopted, and the passage of the bill is recommended when amended as set out at the close of this report, the reasons for such amendments there being stated.

[House Report No. 418, Sixty-first Congress, second session.]

The Committee on Pensions, to whom was referred sundry bills granting pensions and increases of pensions for certain soldiers and sailors of the Regular Army and Navy, etc., submit the following report:

This bill is a substitute for the following House bills referred to said committee:

H. R. 1075. Pierce J. Reynolds.
1787. Emil Clafer.
3128. Jacob F. Roberts.
3129. Gilford Ratliff.
3144. James McMorries.
3148. Martin V. Lackey.
3154. James W. Kennedy.
3155. Polk R. Kyle.
3157. Robert H. King.
3161. Cullen C. Ratliff.
3209. William A. Cole.
3321. William E. Prater.
3465. Clara M. Z. Moore, formerly Clara M. Zellar.
4118. Albert M. Geiger.
5008. George Bingham.
5198. William H. Scheer.
7687. Samuel A. Berry.

H. R. 7989. Rachel N. Schmitz.
9977. Barbara A. Locklar.
10284. Isaac L. Andrews.
10919. Thomas J. Parker.
11191. George W. Gregory.
11515. William P. Ferguson.
11632. Susan F. O'Bannon.
11636. Florence P. Percy.
12519. Jesse E. Boster.
12975. Lizzie Wright.
13217. Albert Scheina.
16421. Robert Brammer.
16516. John W. Farrell.
16812. Robert V. Horton.
16970. Rebecca E. Coffey.
18236. John S. Robison.
18564. Hermann W. Toepperwein.

H. R. 6331. Pierce J. Reynolds, of Fort Bayard, Grant County, N. Mex., served as a first-class private, Hospital Corps, U. S. Army, from December 9, 1901, until honorably discharged December 8, 1904. His service was rendered principally in the Philippine Islands, where he contracted a disease of lungs, for which he is pensioned under the general law at the rate of \$24 per month, beginning December 15, 1904.

He applied for increase of pension January 27, 1908, and also alleged disease of stomach and heart and rectum. The claim was rejected as to disease of stomach and heart, on medical grounds, not shown present in a ratable degree, and disease of rectum not accepted as result of the pensioned cause.

Soldier has undergone two medical examinations, the first being on March 12, 1905, and the latest September 26, 1908, by surgeons for the Pension Bureau. At first examination the presence of an incomplete fistula on the left side was reported. At the next examination several external hemorrhoids were found, and also several fistulæ reported as probably tubercular. As to lung disease the surgeon stated:

Disseminated tubercles of right upper lobe and upper third of left upper lobe. Lesion very slightly active.

The medical referee of the Pension Bureau, in an opinion, agreed with the examining surgeon that the disease of rectum is of the same nature as the disease of lungs.

The evidence with the bill includes the sworn statement of the soldier showing him aged 28 years; that he owns no real or personal property, and that his annual income is limited to the amount of his pension. His home is at Milledgeville, Ga., but he resides at Fort Bayard because of the favorable influence of the climate and altitude.

Dr. L. S. Peters, of Silver City, N. Mex., states in an affidavit that soldier suffers from pulmonary tuberculosis and fistula to the extent of being unable to do work of any kind and that he considers the lesion active.

There is also medical evidence and a petition of citizens of Milledgeville to the effect that before his service soldier was an almost perfect athlete, but by reason of his army diseases is wholly unable to earn a livelihood by physical exertion.

It is believed that the rate for total disability for the performance of manual labor should justly be allowed, and therefore a pension of \$30 per month is recommended.

H. R. 1787. Emil Clafer, Soldiers' Home, Washington, D. C., entered the military service December 7, 1883, in Company E, Fifth Regiment United States Infantry, and after fifteen years practically continuous service therein, in band, Fifteenth United States Infantry, and in Company H, Third United States Artillery, he reenlisted July 18, 1900, and served as corporal, United States Marine Corps, until finally discharged for disability February 18, 1902, for loss of sight of right eye, in line of duty, from injury received at Cavite, P. I., while on duty.

He made application for pension June 20, 1899, and alleged that while serving at Manila, P. I., in August, 1898, he contracted diarrhea, disease of kidneys, and eye and ear trouble. In a later declaration, filed February 26, 1902, he alleged loss of sight of right eye from bite of insect while a corporal, United States Marine Corps. His claim was rejected August 18, 1902, on medical grounds as to all

disabilities claimed, and that venereal disease of record could not be eliminated as a cause of disease of eyes.

Medical examination under the claim was had by the board of surgeons at Washington, D. C., April 2, 1902, who recommended a rate of \$12 per month for loss of sight of right eye and \$12 per month for disease of nervous system. The board failed to find any special results of venereal disease. An expert examination by an oculist for the bureau, July 23, 1902, showed practically no vision of the right eye and no evidence of venereal disease.

The official records state that soldier was under treatment at various times for specific disease, sprains, bruises, and catarrh, also for articular rheumatism, in the line of duty.

He was examined at his several reenlistments, and from that fact it is apparent that the private disease or record in his first enlistment was not held to impair his usefulness for military duty.

The medical records of the Navy Department show treatment in the Marine Corps at Port Isabela, P. I., from July 1, 1901, to September 17, 1901, for traumatic iritis of right eye from a foreign body in the line of duty.

The records of the naval hospital at Cavite, P. I., show admission September 24, 1901, and treatment for iritis, and contain the following statement:

There is good evidence that it was in the line of duty, the facts being as follows, viz: While on guard in Cavite, P. I., a flying ant came in contact with patient's eye, causing considerable pain and redness, but on account of transfer to this station and lack of treatment on board *Zafiro*, en route to this place, the iritis resulted. Patient has been under treatment continuously since arrival at this station June 23, 1901, and, while the acute inflammation has subsided, vision is at present destroyed. * * * It is probable that no great improvement will take place in this case.

Claimant is aged about 47 years and an inmate of Soldiers' Home; he swears he never had any eye trouble until the injury which he received, which is of record, and he protests that the same and not venereal disease of some fourteen years prior was the cause of his present disability.

Your committee believe, in view of the foregoing facts, that claimant should receive a pension of \$12 per month, the rate allowable under the practice of the bureau for the loss of sight of an eye due to the service, and they so recommend.

H. R. 3128. Jacob F. Roberts, Dripping Springs, Hays County, Tex., served as sergeant of Company E, Mounted Battalion, Texas Volunteers, from December 1, 1854, to April 1, 1855, in the Texas and New Mexico Indian war, and he is receiving a pension of \$8 per month, the rate allowed by law to the survivors of said war.

From a letter of claimant accompanying the bill it appears that he is aged 74 years, infirm, and physically unable to do manual labor, and in necessitous circumstances financially. The gentleman who introduced the bill states that he knows of his own knowledge that claimant is old and feeble and without any means of support worthy of mention.

In view of the conditions described, and following the precedents in many cases of survivors of the early Indian wars and disturbances, the committee recommend that the allowance in this case be increased to \$16 per month.

H. R. 3129. Gilford Ratliff, Florence, Williamson County, Tex., was a private soldier of Capt. J. S. Ford's company, Texas Volun-

teers, in the Texas and New Mexico Indian wars, from August 23, 1849, until honorably discharged February 23, 1850. He is pensioned at \$8 per month, the rate allowed by law to the survivors of said wars.

In a sworn statement accompanying the bill claimant sets forth that he is aged 81 years; that he is incapacitated for earning his support by manual labor by reason of old age and consequent physical infirmities; that he owns 140 acres of land, worth \$2,000, and personal property of the value of \$310; and that his annual income from all sources is about \$200.

There are many precedents for the proposed legislation, and a rating of \$16 per month is respectfully recommended in this case.

H. R. 3144. James McMorries, San Marcos, Hays County, Tex., served as second sergeant of Capt. John S. Ford's First Company, Texas Volunteers, from February 5, 1858, until August 5, 1858, participating in the defense of the frontier during Indian depredations. He is pensioned at the rate of \$8 per month, under the act of May 30, 1908.

In a sworn statement accompanying the bill it appears that his age is 74 years; that he is incapacitated for earning his support by manual labor; that he owns no real or personal property, and his annual income is limited to the amount of his small pension.

There are many precedents for the proposed legislation, and the committee respectfully recommend an allowance of \$16 per month in this case.

H. R. 3148. Martin V. Lackey, Georgetown, Williamson County, Tex., served in Capt. J. D. Bagby's company, Texas Mounted Volunteers, from March 6, 1851, until honorably discharged July 21, 1851, in the Texas and New Mexico Indian war. He is receiving a pension of \$8 per month, the rate allowed by law to the survivors of said war.

Soldier states in a sworn statement accompanying the bill that he is aged 78 years; that he is incapacitated for earning his support by manual labor; that he owns a small house and lot of the value of about \$300; and that his annual income from all sources is limited to the amount of his small pension.

There are many precedents for the proposed legislation, and a rating of \$16 per month is respectfully recommended in this case.

H. R. 3154. James W. Kennedy, Elgin, Bastrop County, Tex., served as a private soldier of Capt. J. J. Grumble's company, Texas Mounted Volunteers, from August 26, 1849, to February 26, 1850, and from March 2, 1850, until September 2, 1850, in the Texas and New Mexico Indian war. He is pensioned at the rate of \$8 per month, allowed by the law to the survivors of said war.

In a sworn statement accompanying the bill claimant sets forth that he is aged 83 years; that he is incapacitated for earning his support by manual labor; that he owns no property, real or personal; and that his annual income from all sources is limited to the amount of his small pension.

There are many precedents for increasing the pensions of survivors of the early Indian wars and disturbances, and a rating of \$16 per month is respectfully recommended in this case.

H. R. 3155. Polk R. Kyle, Sylvester, Fisher County, Tex., was a private soldier of Capt. J. H. Callahan's company, Texas Rangers, participating in the defense of the frontier, from July 20, 1855, to

October 19, 1855. He is pensioned at the rate of \$8 per month, allowed under the act of May 30, 1908.

In a sworn statement accompanying the bill claimant sets forth that he is aged 73 years; that he owns 400 acres of land of the value of \$3,000, and that his annual income from all sources is \$200.

There are many precedents for increasing the pensions of participants in early frontier defenses during Indian disturbances, and a rating of \$16 per month is respectfully recommended.

H. R. 3157. Robert H. King, Brenham, Washington County, Tex., served in Captain Rogers's Company F, Mounted Battalion Texas Volunteers, from December 22, 1854, until honorably discharged March 21, 1855, in the Texas and New Mexico Indian war. He is pensioned at the rate of \$8 per month, allowed by law to the survivors of said war.

In a sworn statement accompanying the bill claimant sets forth that he is incapacitated for earning his support by manual labor by reason of old age and attendant physical infirmities; that he owns no real or personal property, and has no income from any source aside from his small pension. The papers in his claim show him to be about 73 years of age.

In view of his age and poverty, and following the precedents in many cases of survivors of the early Indian wars and disturbances, the committee recommend an allowance of \$16 per month to this soldier.

H. R. 3161. Cullen C. Ratliff, Groesbeck, Limestone County, Tex., served in Capt. J. H. Brown's company, Texas Volunteers, from July 18, 1859, to August 23, 1859, participating in the defense of the frontier. He is pensioned at the rate of \$8 per month under the act of May 30, 1908.

Statements of the claimant accompanying the bill are to the effect that he is wholly incapacitated for earning his support; that he owns a farm from which he derives no income because of inability to work. The Member who introduced the bill states that he knows of his own knowledge that this pensioner is old and feeble and without any means of support worthy of mention, and that he has an aged, invalid wife to support. The papers in the claim show soldier to be aged about 72 years.

There are many precedents for the proposed legislation, and a rating of \$16 per month is respectfully recommended.

H. R. 3209. William A. Cole, Lobo, El Paso County, Tex., was a private soldier in Captain McGown's company, Texas Mounted Volunteers, from March 20, 1850, until September 13, 1850, in the Texas and New Mexico Indian war. He is pensioned at the rate of \$8 per month, allowed by law to the survivors of said war.

In a sworn statement accompanying the bill claimant sets forth that he is now aged 80 years; that he is incapacitated for earning his support by manual labor by reason of old age and attendant physical infirmities; that he owns no property, real or personal, and has no income aside from his small pension.

There are many precedents for the proposed legislation, and a rating of \$16 per month is respectfully recommended in this case.

H. R. 3321. William E. Prater, Woodbury, Cannon County, Tenn., served as a private soldier in Companies M and H, First Regiment Tennessee Volunteer Infantry, under the name of Edward Prater,

from June 15, 1898, to October 3, 1898, when honorably discharged on a surgeon's certificate of disability, on account of incipient phthisis, result of measles incurred in service and line of duty.

The medical records of the War Department show treatment at intervals from July 24, to September 12, 1898, for measles, lumbago, and intermittent malarial fever.

The soldier's discharge certificate has been filed with the bill and bears the indorsements:

Incipient phthisis, apex of left lung solidified, night sweats, and marked emaciation.

Service honest and faithful. Disability not caused by his misconduct.

His physical examination at enlistment showed left vision 20/30; nothing additional.

On May 22, 1899, the soldier applied for pension based on disease of lungs as a result of measles contracted during the war with Spain. In an affidavit subsequently filed he also alleged disease of bowels as a result of measles. The claim was rejected March 5, 1903, on the ground that the evidence failed to show the service origin of the alleged causes for pension.

The soldier was examined by a board of surgeons at McMinnville, Tenn., September 5, 1900, when he was found to have tuberculosis, the whole upper lobe of left lung being solidified. The board's report showed him emaciated, anæmic, and very nervous. No other disability was described. A rate of \$17 per month was recommended.

The record showing treatment for measles and discharge on account of lung trouble due to measles, no question was raised by the Pension Bureau as to the existence of the alleged lung disease during service, but the claim was specially examined to determine whether the alleged cause for pension existed before enlistment. The testimony of disinterested witnesses obtained by the special examiner does not indicate that the soldier was in ill health at or prior to his enlistment; and that of his relations and friends clearly indicates that he was physically sound and without any evidence of lung disease before he went into the army. There is no evidence of hereditary origin of the disease, as the testimony tends strongly to show that lung trouble did not exist in his father's family. The evidence of prior soundness is in harmony with the War Department record of physical examination at enlistment, which shows no evidence of lung trouble at that time.

Since the claim was rejected several affidavits of witnesses have been filed, among them a joint one by William Mears and F. M. Collins, who state that they well knew the soldier long prior to his army service, lived near him, and worked with him, and that up to the date of his enlistment he was a stout and healthy man.

J. N. Fuller testified that he knew the soldier well all his life before he went into the army, and he appeared to be a stout, healthy person.

In August, 1905, J. C. Drennan testified that the soldier then had progressive tuberculosis, rapidly growing worse, and which undoubtedly came from measles. The same witness, in an affidavit filed with the bill, states that the soldier's disease in February, 1909, was rapidly growing worse; that he was unable to work, and that he would soon be bed fast.

The testimony in the case shows the soldier to be very poor, and he states that he is unable to perform manual labor by which to support himself and family. He is about 41 years of age.

Your committee is of the opinion, after considering all the facts, that a pension should be granted, and respectfully recommend a rate commensurate with the degree of disability which may be found upon a new medical examination.

An allowance of \$17 per month is recommended, in harmony with the finding of the board of examining surgeons.

H. R. 3465. Clara M. Z. Moore, formerly Clara M. Zellar, Woodstock, Ill., the claimant under the bill, served as an army nurse during the war with Spain.

As shown by the official records, she first contracted for duty at Jacksonville, Fla., on August 27, 1898, served there until November 10, 1898; then at Panama Park, Fla., and at Camp Onward, Savannah, Ga., until December 22, 1898; then at Camp Columbia, Habana, Cuba, until June, 1899, when her contract was annulled, to date June 17, 1899, at her request. She was reappointed August 21, 1899, for duty at the General Hospital, Presidio of San Francisco, Cal., where she served until March 1, 1900, when she sailed for the Philippines and reported at the First Reserve Hospital, Manila, March 27, 1899. Her service continued in the Philippines until November 15, 1900, when she returned to the United States and reported, December 10, 1900, at the General Hospital, Presidio of San Francisco, serving there until January 1, 1901, when she again departed for the Philippines and, arriving January 27, 1901, was on duty at the Santa Mesa Hospital, Manila, at Dagupan, and at the First Reserve Hospital to June 20, 1901, when she sailed for the United States and reported at San Francisco July 16, 1901, being placed on temporary duty there, and was there ill at the General Hospital from September 2 to December 21, when she was granted leave of absence for thirty days after her arrival home, and discharged January 24, 1902, on account of illness.

The incurrence of her disability is fully proved by medical and other evidence accompanying the bill; same shows that she has been a chronic invalid ever since her discharge, suffering heart, kidney, and liver diseases, resulting from dengue or typhoid fever incident to her service. There is also emaciation (weight about 95 pounds) and a general neurasthenic condition. She is without means of adequate support, though married since the war. It is shown by the affidavit of neighbors that owing to her invalidism and constant large expense for medical treatment and necessity for her husband's personal attention his wages are insufficient to provide her proper support.

Under existing law she can obtain no relief at the bureau, as no provision is made for army nurses except those of the civil war. Had her service been rendered therein she would have pensionable status.

It is believed, in view of the precedents, that the claimant should receive the general law rating of \$12 per month, not in charity, but for disability actually incurred in the line of duty.

H. R. 4118. Albert M. Geiger, Erwin, Madison County, Ala., has an honorable record as a private soldier of Company M, Second Regiment Texas Volunteer Infantry, during the war with Spain from May 3, 1898, to November 9, 1898, having been enlisted at Austin, Tex., where the command remained some two weeks; his service was rendered at Mobile, Ala.; Miami, Fla.; and Jacksonville, Fla. He

made application for pension under the general law January 18, 1904, based upon cold, resulting disease of lungs, and rheumatism. The claim was rejected March 14, 1906, after special examination upon legal grounds of no record of treatment of same in the War Department and the inability of the soldier to furnish positive and satisfactory evidence showing origin in service or existence after discharge.

The official records state that no notation of physical defects on examination at enlistment was found, and the medical records show treatment of mumps August 27 to September 2, 1898, in the line of duty, and also state that a medical certificate was filed in connection with an application for furlough dated September 22, 1898, showing soldier jaundiced. It further appears from the company rolls that he was granted thirty days' furlough from September 9, 1898, upon surgeon's certificate of disability, which was extended thirty days from the latter date. In his declaration preliminary to muster out he stated that he incurred rheumatism from sleeping upon the ground at Miami, Fla., the captain commanding apparently certified he had no knowledge of the matter, and a surgeon who certified that he then examined him stated that soldier claimed to have had several attacks of muscular rheumatism since entering service.

Medical examination was had by the board at Huntsville, Ala., March 16, 1904, who reported there was enlargement of the left knee, with tenderness and crepitus and some limitation of motion, for which a rating of \$6 per month was recommended as for rheumatism. As to disease of lungs, the board stated there was a great deal of emaciation with flatness of chest, and a cavity in the lower lobe of left lung, with dullness over both lungs. Rate \$6 per month. Claimant and several of his comrades testified that the camping ground at Miami was low and swampy and that a great deal of rain fell, the company being compelled to sleep on the wet ground. One of these comrades, William G. Drake, testified positively before the special examiner that during this time the soldier suffered from rheumatism affecting his leg; that he went to the doctor on account of it and walked as if his legs hurt him; that he also had cold and a cough, complained of pains in the breast, and looked bad.

Drake was a tent mate of the soldier, and further stated that the cough continued until discharged, and that thereafter he saw him occasionally and listened to his complaints, and that he was never able to do much thereafter. Jacob Halfin, another tent mate, when seen by the special examiner could not recall all the circumstances, but stated that soldier went to sick call and at times did not drill, but could not state what his ailments were. Dr. T. T. Jackson, when seen in September, 1905, stated that he remembered the soldier, Geiger, and recalled giving him treatment in service, believing it to have been for rheumatism affecting lower limbs; that it was at Miami and Jacksonville, and the treatment given him in quarters.

Dr. E. O. Williamson testified that he was called to attend soldier in fall of 1900 when suffering from chronic malaria and a rheumatic condition probably due to same, diseased lungs, being incipient tuberculosis; that he again saw soldier in the months of February and March, 1903, when he had a well-defined case of tuberculosis of both lungs, the rheumatism, if then present, being obscured by other symptoms. There is abundance of evidence to show that the soldier was singularly free from all disability up to the time of his enlistment

and that his health generally and steadily declined from about the time of his discharge. It is shown by the testimony of his employers and associates continuously after the date of his furlough that he suffered pain, stiffness, and inconvenience of the knees and shoulders, and that the cough was ever present.

Admittedly the claim is not clearly proven, and the action of the bureau is not held to be erroneous, yet broadly considered the claim is believed to have merit, and your committee respectfully recommends that a pension be allowed at the proper rate on account of disease of lungs and rheumatism as originating in the military service.

H. R. 5008. George Bingaman, Vandalia, Fayette County, Ill., was a private soldier of Company I, Fourth Regiment Illinois Volunteer Infantry, during the war with Spain, having been enlisted April 26 and honorably discharged August 27, 1898.

He made application for pension June 12, 1899, alleging that at Camp Cuba Libre, Florida, in the month of August, 1898, he contracted chorea or St. Vitus dance. The application was rejected under date of December 22, 1900, upon legal grounds that same existed prior to enlistment. He again filed a declaration April 24, 1903, based upon rheumatism, disease of stomach, nervousness, and heart disease. This claim was rejected September 25, 1903, upon similar grounds.

The records of the War Department show that soldier enlisted at the age of 20 years; was examined and no physical defects noted; that he received treatment in regimental hospital May 21-23, 1898, parotitis of right side; July 17, 1898 (no diagnosis); July 22, 1898 (no diagnosis); August 2-6, 1898, chorea, not in line of duty; August 7-8, 1898, chorea, and thereafter to August 25, 1898.

Soldier was discharged upon surgeon's certificate of disability, in which his captain certified that discharge was recommended on account of St. Vitus dance, and that soldier became unfit for duty May 20, 1898; that same was contracted during his youth. The surgeon certified:

This man has been a victim of this disease more or less since enlistment. He has received heroic treatment to no avail. Has been in second and is now in third division hospital, Seventh Army Corps, suffering with this same trouble. * * * Cause of disability unknown, but gives a history of same from childhood. The disability was not incurred in line of duty.

No medical examination by a board of surgeons for the bureau was had. The soldier admitted upon special examination that he had had attacks of nervousness or rheumatism when a boy, and other testimony so obtained is to the effect that he had some nervous or rheumatic trouble, but it is not evident that same was present to a degree which would unfit him for ordinary employment.

Evidence filed with the bill is the testimony of two physicians to the effect that soldier has since discharge suffered chronic rheumatism of the knee and ankle joints, which has incapacitated him from obtaining a livelihood by manual labor to a very considerable extent.

The soldier files an affidavit stating that he owns no real or personal property.

The soldier having been examined by competent medical authority and accepted for military duty, which was performed to the best of his ability, it is believed that some relief should be afforded him according to precedents, and therefore a pension of \$12 per month is recommended.

H. R. 5198. William H. Scheer, Leavenworth, Kans., enlisted for the war with Spain June 15, 1898, and served in Company K, Twentieth Kansas Volunteer Infantry, until honorably discharged and mustered out August 30, 1899, at the Presidio of San Francisco, Cal.

He applied for a pension under the general law August 9, 1909, stating that at Caloocan, P. I., in the month of February, 1899, he was taken with dysentery and fever and cough, which terminated in tuberculosis. The claim was rejected January 5, 1910, as to all disabilities; that there was insufficient satisfactory evidence to show their origin in the service and continuance thereafter, and further that a ratable degree of disability was not found from fever (malarial poisoning). The soldier swore that he was unable to furnish testimony of the surgeon, Dr. W. R. Van Tuyl, who treated him in the Philippines, because of his death in August, 1906, and that ever since his discharge he has suffered from a cough and constant fatigue, for which he, as a druggist, treated himself until 1902, when his condition was found to be tubercular.

It is shown by the official records that no physical defects were reported on examination at enlistment and that soldier was under medical treatment from March 22 to June 19, 1899, for remittent fever, for insolation (sunstroke) March 1, during charge of Caloocan, treatment and convalescence from heat exhaustion and fever continuing to date of discharge. It is stated by his former first lieutenant, John F. Holl, that soldier was present and took part in five battles during the Philippine insurrection; that the command was compelled to sleep in wet clothing, and that Corporal Scheer became sick with dysentery, cold, and fever, and was relieved from duty by Lieutenant Holl at the request of the regimental surgeon and sent to the Manila Hospital March 10, 1899; that he was never returned to duty, but ordered to the United States and mustered out because of his enfeebled condition.

Dr. J. L. Everhardy testified that he treated soldier from and after 1902 for consumption, dysentery, and fistula; that in the summer of 1908 his spine became affected with tuberculosis, and also the ankle, so that soldier became totally unable to perform any manual labor; that he noticed soon after soldier's return from the Philippines that he coughed, and, making a diagnosis of his sputum, discovered the bacilli tubercule.

Medical examination was had by the board of surgeons at Leavenworth September 18, 1909, who reported soldier pale and emaciated, afflicted with piles, dysentery, and fistula, recommending \$12 per month therefor, and \$30 per month on account of tuberculosis of the lungs and spine, necessitating the wearing of a brace.

The evidence filed with the bill is medical in character and corroborative of that quoted as to present condition of the claimant, and he swears that he is possessed of no property and has no income.

In view of the deplorable condition of the soldier, which, in the opinion of your committee, is not improbably due to his service in the Tropics, they believe he is entitled to substantial relief, and recommend a rate of \$25 per month.

H. R. 7687. Samuel A. Berry, of Adams, Lawrence County, Ky., enlisted January 5, 1902, at Ashland, Ky., and was honorably discharged for disability as an unassigned private, United States Infantry, June 4, 1902, at the Presidio of San Francisco.

He filed an application for pension under the general law June 11, 1902, and alleged that while en route from Columbus Barracks, Ohio, to San Francisco, he contracted a severe cold from exposure, which resulted in disease of lungs and heart; also in declaration filed June 28, 1902, he stated that catarrh of head and nose, rheumatism, disease of urinary organs, etc., were similarly incurred. The first claim was rejected November 21, 1902, upon medical grounds of no ratable disability, and upon appeal to the honorable Assistant Secretary of the Interior the rejection was affirmed. That part of the claim based upon rheumatism was reopened and rejected July 16, 1906, upon legal grounds of no record and the evident inability of the soldier to furnish satisfactory evidence of army origin or existence at discharge. Appeal was again taken and the rejection sustained.

The official records do not indicate that any physical defects were found upon examination at enlistment, but show that soldier was sick in hospital from and after February 12, 1902, until discharged on account of pulmonary hemorrhage, probably due to incipient phthisis. The certificate for discharge states that same is recommended because of pulmonary hemorrhages existing prior to enlistment, as determined by a board of medical officers.

Two examinations by boards of surgeons were had under the claim, the first at Blaine, Ky., August 6, 1902, and the second at Fort Gay, W. Va., July 15, 1903. The Blaine board stated that soldier had malarial poisoning, evidenced by sallow color and flatulency. They failed to find disease of lungs and heart or rheumatism. The Fort Gay board recommended \$6 per month for catarrh and \$8 for rheumatism affecting the right shoulder and fingers of right hand. Eight dollars per month was also recommended on account of heart disease.

A special examination was instituted, during which soldier testified that he believed himself sound at enlistment, at which time he was examined by Dr. A. G. Berry, since deceased; that he was stripped and given a thorough examination; that he became thoroughly chilled while handling coal in the snow at Columbus Barracks, and was sick all the way to San Francisco; also, that he had been unable to do any work since his discharge.

Dr. L. B. Dean testified before the special examiner that soldier had the appearance of weakness some time before he enlisted, and that his treatment following discharge was for heart and rheumatic trouble.

Dr. L. H. York stated that soldier was of an anæmic appearance but was not aware of any actual disease of lungs before he enlisted, and that he had been called to treat him for a cough since discharge.

Dr. J. F. Reynolds testified that he treated soldier between the years 1890 and 1897 for a debilitated condition.

The deposition of Doctor Berry, before referred to, was secured, and he stated that a careful examination at the time of enlistment showed soldier to be in sound health; that following discharge he next saw him in 1903, when he had the appearance of a consumptive.

Another physician, Dr. J. C. Bussey, saw soldier directly upon his return home from San Francisco, and testified that he was in a weak and exhausted state and apparently suffered from rheumatism, indicated by chest pains.

An affidavit filed with the bill by Dr. G. W. Wroten states that soldier has deformity of the hands and wrists from rheumatism;

that same are stiff and greatly enlarged; and that the feet and ankles are similarly affected; also, that there is both organic and functional heart trouble. This physician and two lay witnesses agree that soldier is and has been unable to do more than one-fourth of manual labor since his discharge.

In the belief that the soldier is equitably entitled to relief, an allowance of \$12 per month is recommended.

H. R. 7989. Rachel N. Schmitz, 28 York avenue, Atlanta, Ga., the claimant under the bill, is the widow of William F. Schmitz, who was a private soldier of Company F, Fifth Regiment U. S. Artillery, having enlisted April 13, 1877; he was honorably discharged April 12, 1882. He was a pensioner under the general law at the rate of \$12 per month on account of disease of lungs, which was allowed him July 21, 1886. His death occurred September 23, 1907. The evidence shows that he was found dead in his room, and a coroner's jury gave as their verdict death from cause unknown.

Dr. A. H. Lindorme testified that a few days prior he gave soldier a prescription to correct an intestinal disturbance; and also that in filling out proof of death for purpose of insurance he gave it as his opinion that death was due to apoplexy. This view was adopted by the medical authorities of the Pension Bureau, and the claim of the widow, filed November 7, 1907, was rejected February 6, 1908, on the ground that apoplexy was not accepted as due to disease of lungs or otherwise shown of army origin.

The last medical examination in the claim of the soldier was by the board at Gainesville, Ga., April 6, 1898, which stated that he looked like a consumptive, being very sallow and threatened with a severe case of general dropsy.

It appears, therefore, that the actual cause of death can not be definitely determined. The bureau has recognized Mrs. Schmitz as the legal widow in the allowance to her of the accrued pension, her marriage date being April 26, 1896.

Evidence filed with the bill shows her aged 35 years and the mother of one child of the soldier, a girl about 6 years of age. It also appears that claimant is dependent on her daily labor as a dressmaker for their support; that she is industrious and deserving; also in delicate health, being able to work but about half the time.

Proof is not held to be conclusive that the pensioned cause resulted fatally, but the doubt that it did so is believed to be not too great to be generously resolved in favor of the claimant, and therefore the general-law allowance of \$12 per month, with the usual provision for the minor child, is respectfully recommended.

H. R. 9173. Albert B. Mosinsky, Randolph Hotel, Detroit, Mich., was a private of Company I, Tenth Regiment United States Infantry, during the war with Spain, having rendered honorable service, principally in the Philippine Islands, from June 23, 1900, to June 16, 1903.

He filed an application for pension at the bureau February 29, 1904, and alleged that while in the field in the vicinity of Mindanao, P. I., he incurred dysentery, malaria, diarrhea, rheumatism, and disease of skin. His application was rejected October 3, 1906, on both legal and medical grounds that there was no record of the existence of the stated disabilities during service and that a ratable degree of disability was not shown.

He was examined by the board of surgeons at Detroit, April 20, 1904, who recommended a rating of \$6 per month for dysentery and \$4 on account of disease of skin.

The official records state that no physical defects were found upon examination at enlistment, and the medical records show him treated October 16 to November 4, 1901, acute dysentery; August 20 to 22, 1902, constipation; and the company rolls show that he was sick in quarters October 21 to 31, 1901, all the foregoing in the line of duty.

The soldier and two of his comrades testify that he was actively engaged in an expedition against insurrectos and subjected to severe exposure, which brought on rheumatism, dysentery, and disease of skin, from which they observed him to suffer. These witnesses are shown by the War Department report to have been present at the time and place indicated.

It appears from the testimony of several of his neighbors and associates that upon his return to Detroit, directly following discharge, he was in bad health, with eruptions upon his hands, and although a willing, industrious man, was unable to do steady work as formerly.

Dr. A. H. Johnson stated that he gave treatment for skin affection in the month of December, 1903, and that soldier then complained of pain in the right knee.

Dr. E. J. Pangner attended soldier in January and February, 1904, for skin trouble and rheumatism affecting the lower extremities, and that he was probably three-fourths disabled from labor in his occupation as sawyer.

Medical treatment for similar conditions was continued from January, 1905, by Dr. C. F. Muenz, down to the present, the rheumatism having become chronic, compelling soldier to remain idle often and confined to his bed, greatly reducing his earning power and placing himself and his family in straitened circumstances.

Testimony with the bill includes an affidavit by Doctor Muenz and the claimant and one lay witness, and is of the same nature as before quoted.

Your committee believe, after fully considering the case, that an allowance of \$12 per month is warranted, and they so recommend.

H. R. 9977. Barbara A. Locklar, Elizabethtown, Hardin County, Ill., is the mother of Miles Locklar, who has an honorable record as a private soldier of Company D, Ninth Regiment Illinois Volunteer Infantry, during the war with Spain, from June 28, 1898, to May 20, 1899.

She applied for pension January 17, 1906, under the general law as amended by the act of June 27, 1890. Her claim was rejected February 24, 1909, upon the ground that the fatal illness of her son, from pulmonary tuberculosis, could not be satisfactorily shown due to his military service.

The soldier died May 6, 1905, without having applied for a pension.

The official records show that he was aged 21 years at enlistment, when he evidently received physical examination, as the records show that the lungs were sound. The medical records fail to indicate that he received treatment during his service, though the company rolls show that he was sick in quarters October 31 to November 3,

1898; in regimental hospital December 3 to 6, 1898, for intermittent fever; and in quarters February 9 to 10, 1899, in the line of duty.

He apparently declared at muster out that he suffered no impairment of health, and his captain and surgeon certified accordingly, although it is well known that these declarations are entitled to but little weight. In fact, his captain filed an affidavit in the claim of the mother, stating that the soldier appeared sound and well during the early part of his service and was a good soldier until he fell sick in the month of January, 1899, and was in hospital several times, the regiment then being in Cuba; also that he did not appear to recover his health thereafter.

One of his comrades, Harry F. Watson, testified that he was acquainted with soldier before and during his enlistment; that he had a cough and symptoms of lung trouble at Camp Onward, Ga., in the month of November, 1898, and later. It appears from the testimony of this comrade and another that the throat affection was such as to require bandaging.

It is shown by several lay affidavits in the claim that the soldier did not at any time subsequent to discharge enjoy good health, but was subject to throat trouble.

The earliest medical evidence is that of Dr. Johnson Bass, who stated that soldier entered the hospital at Paducah, Ky., in April, 1905, and that the doctor then found him suffering from pulmonary tuberculosis.

Dr. R. H. Willingham testified that similar conditions existed in the following month, and that death resulted from same.

The claimant is aged about 58 years. It is clearly shown that she has no income or property, but is dependent upon her labor as a washerwoman for her livelihood; that the soldier contributed to her support while in service; that no person is legally bound for her support, she having obtained a divorce from her husband, the father of the soldier, February 27, 1896, for his fault. She would be entitled to pension under existing law except that death cause was not satisfactorily shown due to military service.

Two affidavits accompany the bill showing that she is physically unable to maintain herself by labor.

It is conceded that the service origin of the fatal malady is not conclusively shown, yet your committee believe that it not improbably did so originate and therefore recommend a pension of \$12 per month.

H. R. 10284. Isaac L. Andrews, Sturgis, Meade County, S. Dak., was a private and artificer of Company I, Third Regiment Kentucky Volunteer Infantry, during the war with Spain, from April 27, 1898, to May 6, 1899, when he was honorably discharged with his company.

The War Department records show that during service the soldier was treated for measles and mumps from August 6 to 24, 1898; that he was furloughed on the last-named date to September 23, 1898;

as treated for lobar pneumonia from December 6, 1898, to January 2, 1899, and from February 11 to March 5, 1899, for acute diarrhea, all in line of duty. At discharge he claimed to have pains in lungs and chronic diarrhea. The examining surgeon then found internal strabismus of right eye and slight diarrhea, improving daily.

On August 17, 1899, the soldier applied for pension on account of chronic diarrhea, weak eyes, result of measles, and kidney affection. The claim was rejected on the ground of no disability from the

alleged causes. He applied again on March 11, 1907, and after special examination the claim was again rejected because of no disability from chronic diarrhea and disease of kidneys since filing; disease of right eye on the ground of no record or other satisfactory evidence of service origin; disease of lungs, rheumatism, and disease of kidneys, and diarrhea also for lack of evidence of existence and continuance from discharge. On appeal from the rejection of the first claim the department sustained the bureau action on June 12, 1903.

A great deal of testimony was filed, which upon special examination was found to be unreliable, and much of it was repudiated by the witnesses. It is clearly shown that the soldier had diarrhea in service and at discharge, but upon medical examinations made in September, 1901, December, 1901, and August, 1907, its existence in a pensionable degree was not disclosed, although good evidence was found showing its existence at frequent intervals. It is shown by medical evidence filed with the bill that the soldier is destitute, and has been for several months, and that he is in very bad physical condition, due to chronic diarrhea, heart disease, lung trouble, and kidney disease.

The evidence also clearly shows that the soldier had an affection of his right eye before and at the time of his service, and whatever disability exists now is more probably due to a congenital defect.

The evidence fails to show the origin in service and continuance thereafter of any of the alleged causes for pension except chronic diarrhea, and your committee respectfully recommends favorable action, based on that disease, and the allowance of a pension of \$12 per month.

H. R. 10919. Thomas J. Parker, 854 South Front street, Philadelphia, Pa., late sergeant, Marine Corps, U. S. Navy, performed two faithful contracts of service. Having enlisted August 19, 1865, he was honorably discharged August 19, 1869; reenlisted on the same day, and was again honorably discharged August 19, 1873. He was on duty at the Washington, Norfolk, Brooklyn, and Boston barracks, and attached to the ships *Swatara*, *New Hampshire*, *Lancaster*, and *Portsmouth*.

He was allowed a pension of \$12 per month, the maximum rate under the act of June 27, 1890, because of nearly total loss of sight, from July 18, 1890, until July 29, 1895, when it ceased on the ground of erroneous allowance, the service having all been rendered subsequent to the accepted date of termination of the civil war, July 1, 1865, to which alone the act applies. A claim was filed under the general law November 21, 1890, alleging that about the year 1873 the soldier contracted chronic rheumatism affecting the eyes. It was rejected July 2, 1895, on medical ground that syphilis as a factor in the disability could not be eliminated. An appeal was taken, and the action of the bureau was affirmed by the department under date of August 21, 1900.

The claim was apparently rejected solely upon a hospital record of venereal infection during the first enlistment that shows treatment October 26 to December 1, 1868, for primitive syphilis. Granting that the record be true, there is slight suggestion elsewhere in the record or evidence that the disease progressed or produced any results. It certainly did not prevent the Government from reenlisting him

about nine months later. The soldier has undergone five examinations by surgeons for the bureau, as follows: November 7, 1890, July 9, 1894, December 27, 1894, January 18, 1898, and March 22, 1898. The second, third, and last of these were made under special instructions by the medical referee to determine the relation of the old venereal trouble to the condition of the eyes. The reports were all negative as to venereal, and in each the sailor was described as practically blind and entitled on that account to the rate for total disability, or \$30 per month.

The physician who made the expert examination of December 27, 1894, stated—

There is a faint, superficial scar on dorsum of penis, back of corona, and a few suspicious scars on body. No enlarged glands; head well covered with hair. This was a case of iritis, and the iridectomies were done for the occlusion of the pupils, but resulted badly from subsequent inflammation. I am inclined to regard this case, from the history and appearance of eyes, as one of specific origin, but there is a doubt about it, as there is also a history of rheumatism, which may have been the cause of it, but the weight of evidence is, I think, in favor of the former.

The latest examination, being by a full board, stated—

Whether the iritis causing the practical blindness was from rheumatic causes or not we are unable to determine further than from his statement, as there is no objective evidence of rheumatism at this time; and we know not for certain that he had rheumatism in the service or not, nor that, if he had, it continued to the time his eyes became affected. Assuming the affirmative, we rate \$30 per month. In regard to vicious habits, we examined particularly and closely every portion of the body and with absolutely negative results. And in making a second grade rating there is no question in our minds of the fact that this claimant is so disabled from the results of iritis as to be incapacitated for performing any manual labor.

The naval records corroborate sailor's claim that he suffered from rheumatism in the service, having been under treatment in hospital for same from January 22 until May 5, 1873, and also show the following entry:

There is good evidence of the origin of the disease in the line of duty from climatic exposure while on duty during the last couple of months. Has pain in shoulder, hip and knee, and right side.

The records further show that he received treatment at various times on account of diarrhea, bronchitis, fevers, etc.

The sailor was one of a detachment from the marine barracks who performed arduous and hazardous duty during the Boston fire of 1872, being on duty in the streets for ten days without relief. There is both medical and lay testimony as to continuance of rheumatism fairly covering the whole period between discharge and the date of application for pension. Of these physicians, some five in number, who testified for the claimant, two were emphatic in their statements that no syphilitic symptoms were to be found and the others failed to mention same. It is in evidence that sailor entered the Wills Eye Hospital, Philadelphia, October 10, 1881, and that the cause for which he was treated there by Dr. W. W. McClure during the ensuing six months and at intervals thereafter was rheumatic iritis. The sole question in the case is whether the blindness had its origin in the venereal disease of 1868.

Claimant is now aged about 64 years and is shown by affidavits accompanying the bill to be supported by his wife, who keeps a small tobacco shop. Dr. A. A. Sargent also files an affidavit that sailor is

almost completely blind and requires an attendant; that he also suffers from a fracture of the right shoulder blade and three ribs, caused by falling through an elevator shaft, which he was unable to avoid because of the condition of his eyes.

In view of the foregoing facts, it is respectfully recommended that the pension of \$12 per month be restored.

H. R. 11191. George W. Gregory, East Main street, Cornell, Livingston County, Ill., has an honorable record as a private soldier of Company B, First Regiment North Dakota Volunteer Infantry, during the war with Spain, having been enlisted May 2, 1898, and discharged at the Presidio of San Francisco, Cal., September 25, 1899.

He filed an application for pension under the general law August 5, 1903, based upon typhoid pneumonia, resulting disease of kidneys, deafness of left ear, and disease of stomach. In an affidavit filed February 1, 1904, he also claimed for muscular rheumatism and disease of feet. The claim was rejected upon both legal and medical grounds May 1, 1906, that part based upon results of typhoid pneumonia (fever), disease of stomach and kidneys being rejected because it was held that a ratable degree of disability was not shown. A later claim was filed December 24, 1906, in which disease of heart and bowels was alleged, the same being rejected March 17, 1908, the former upon legal grounds and both upon medical grounds. Another application was presented July 28, 1908, also upon disease of heart and bowels, the claim as to the latter being reopened, and again rejected upon similar medical grounds February 17, 1909. Appeal was taken to the honorable Secretary of the Interior, who, under date of April 30, 1909, affirmed the rejection.

A large part of the service was rendered in the Philippines. The official records show sickness in quarters May 20 and 25 and June 1 to 24, 1898, and in the First Reserve Hospital at Manila September 5 to January 31, 1899, all sickness being in the line of duty. The medical records state that soldier was under treatment for typhoid fever from September 5, 1898, to January 29, 1899, and from June 21 to 24, 1899, for diarrhea, in the line of duty. No record of physical defects at enlistment was found. The soldier is recorded as having declared at muster out that he was affected by chronic diarrhea, due to bad water and improper food. His captain certified to the presence of that trouble, and the surgeon stated that the soldier said the diarrhea was improved.

Three medical examinations have been made in the claim by different boards of surgeons. The first was at Logansport, Ind., February 10, 1904, the board stating that soldier was in a good condition of health and recommended no ratings. The second was at Pontiac, Ill., May 1, 1907, and resulted in ratings of \$4 per month for disease of heart and \$10 for disease of lungs. This board stated:

Specimen of sputum submitted to the state board of health in August, 1906, reported tubercule bacilli. Three months ago Dr. J. D. Scouller (a member of the board) found the same. This week another examination fails to find any bacilli, but abundant puss cells.

The latest examination was at Ottawa, Ill., December 2, 1908, and ratings were proposed of \$4 disease of heart, and \$6 disease of bowels.

There is good medical and other evidence that soldier was strong and rugged up to his enlistment, and that following his prolonged

severe illness at Manila his health has been seriously broken, there being agreement among the witnesses in the claim and with the bill that he could not perform more than one-fourth of manual labor. It is evident that he has been under almost regular medical attention since discharge. One affidavit is by Dr. H. C. Sawyer, who states that there has been general weakness, with heart and stomach trouble which would not yield to treatment; that soldier could get no regular employment because unable to work more than a day or so at a time. This physician was positive that soldier's health was destroyed in the service, having been the family physician since soldier was a child and never having had occasion to give him professional care. Dr. F. B. Morgan certified to the existence of pulmonary tuberculosis in August, 1906, as determined by microscopical examination, and that he believed that together with the nervous and digestive troubles were sequels of the typhoid fever in the army.

An allowance of \$15 per month is believed to be warranted after full consideration of all the conditions in this claim, and your committee so recommend.

H. R. 11515. William P. Ferguson, 1404 Howard street, Knoxville, Tenn., has an honorable record as a private soldier of Company L, Thirty-seventh United States Volunteer Infantry, having enlisted July 21, 1899, and been honorably discharged February 20, 1901, after Philippine service following the war with Spain. He is pensioned under the general law at \$6 per month on account of chronic diarrhea and disease of rectum. This allowance he has received since June 17, 1904, having claimed increase May 6, 1908, and April 21, 1909, which has been refused upon medical grounds that the allowance was adequate for the degree of disability. Other allegations, namely, malarial poisoning and disease of heart, have been rejected as not shown to exist in a ratable degree.

Soldier is aged about 41 years. He was last examined by a board of surgeons for the bureau June 2, 1909, at Maryville, Tenn., who stated as to—

Chronic diarrhea: Tongue coated brown; skin in fair condition; hepatic tenderness. Liver area from upper border 9 rib to below all the ribs in axillary line; spleen 5 by 2½; has evidences of indigestion; tender over splenic region. Rate 8/18ths.

Disease of rectum, evidenced by internal piles and disease of stomach, was also found and rated at 4/18; the heart functions were described as impaired and a rating therefor of 2/18 was proposed.

The soldier states in an affidavit with the bill that he has been compelled to abandon his occupation as plumber by reason of his army troubles and is unable to provide himself, wife, and two children with a suitable maintenance, being in straitened financial circumstances.

Dr. C. E. Lones swears that soldier has suffered from chronic malaria, dysentery, and disease of heart since the year 1899, during which he has prescribed for him at intervals, and a recent examination shows his disability has increased, and that in addition thereto he is afflicted by chronic rheumatism as a result of poor heart action, etc.

Other lay affidavits are to the effect that soldier is financially needy and is physically incapable of full manual labor.

It is believed that the stated facts warrant an increase to \$14 per month, and your committee so recommend.

H. R. 11632. Susan F. O'Bannon, Eminence, Henry County, Ky., the claimant under the bill, is the widow of James O'Bannon, late quartermaster-sergeant Third Regiment Kentucky Volunteer Infantry. The soldier enlisted October 1, 1847, for the war with Mexico, and was honorably discharged November 23, 1847, for disability, at Veracruz, Mexico. He was pensioned through the regular channels at the rate of \$8 per month under the act of January 29, 1887, and increased to \$12 per month under the act of March 3, 1903, and to \$20 per month under the age act of February 6, 1907, which allowance continued to the date of his death, December 11, 1908.

His widow made claim January 4, 1909, which was rejected January 27, 1909, upon the ground that the service of her husband did not embrace a period of sixty days within the territory of Mexico nor did he engage in a battle, such action being in accordance with the late practice of the department. It will be seen that the actual length of the soldier's service was fifty-four days.

He was enlisted in Shelby County, Ky., appointed a quartermaster-sergeant, and was engaged at the rendezvous near Louisville, Ky., and en route to Veracruz, Mexico, in the discharge of his duty, until his service terminated at that point by reason of disability, most probably of service origin.

Claimant was married to soldier November 30, 1854; her present age is about 75 years; and she is in modest financial circumstances.

A pension of \$12 per month is in accord with the precedents.

H. R. 11636. Florence P. Percy, Hotel Bancroft, Washington, D. C., is the widow of Henry T. Percy, late lieutenant-commander, United States Navy. She is pensioned under the general law at \$30 per month, the rate allowed to widows of officers of that rank.

The official records show that the officer was born in Virginia March 26, 1849, appointed acting assistant surgeon May 31, 1873, and thereafter rendered continuous service, being promoted through the successive grades to that of medical inspector, in which commissioned December 24, 1908. His death occurred in service March 31, 1909.

Mrs. Percy was married to the officer June 19, 1879, and is aged about 54 years. She files a sworn petition accompanying the bill stating that her annual income from all sources is but slightly in excess of her pensioned rate and that her health is seriously affected by reason of disease of the heart.

An allowance of \$40 per month will be in accord with the precedents, and the same is respectfully recommended.

H. R. 12519. Jesse E. Boster, State Soldiers' Home, Erie County, Ohio, served honorably during the war with Spain, from July 30 to October 25, 1898, as a private of Company E, First Regiment Ohio Volunteer Infantry, and is a pensioner under the general law at the rate of \$12 per month, on account of disease of stomach incurred in the line of duty. This sum he has received since September 28, 1904, although having since filed three applications for increase, dated, respectively, May 16, 1905, November 10, 1906, and August 13, 1907, all of which have been rejected upon medical grounds. In same soldier claimed pension for chronic diarrhea, piles, and disease of heart, which has been refused him, the medical authority of the bureau declining to accept these disabilities as resultant from disease of stomach.

Soldier was last examined by a board of surgeons at Point Pleasant, W. Va., June 17, 1908. They reported that he was emaciated and anæmic; his muscles soft and flabby; stomach and bowels very much distended and tender, liver enlarged and tender, rectal membranes inflamed, and hemorrhoidal vessels engorged with a mass of ulcerated, inflamed, and bleeding internal piles; that there had been an operation for fistula; that claimant was weak and easily fatigued; and that the heart also was diseased. On account of disease of stomach and, as stated by the board, resulting disease of chronic diarrhea, piles, disease of rectum and heart, claimant is wholly incapacitated for labor and entitled to \$30 a month.

Soldier swears, in an affidavit accompanying the bill, that he believes all his ailments, except poor eyesight, due to his military service, and that he is aged 53 years, has no property or income, except his pension.

Two physicians testify substantially as the board reported—that there is entire disability from work, two large fistulas constantly discharging, severe ulcerated piles, weak heart, dizziness, etc., and that soldier must have constant care and attention.

Your committee believe, in consideration of the evidence submitted, that a pension of \$24 per month, the amount carried in the bill, should be allowed, and they so recommend.

H. R. 12975. Lizzie Wright, Herrin, Williamson County, Ill., is the widow of George Wright, late a private soldier of Company G, Thirteenth Regiment United States Infantry. He enlisted April 27, 1867, and was honorably discharged April 27, 1870. He was pensioned under the general law at the rate of \$24 per month on account of chronic diarrhea and resulting piles, disease of heart, and rheumatism. He died September 22, 1908, the cause of death being uremia.

Mrs. Wright applied for pension January 2, 1909, and her claim was rejected upon medical grounds—that the fatal illness was not due to the causes for which the soldier was pensioned.

Dr. A. P. Baker filed an affidavit in her claim, as follows:

Wright had a stroke of paralysis involving the left side (hemiplegia) with complete loss of motion in arm, also in leg; right side of face was paralyzed also; also, he was suffering at the same time from enlarged prostate glands, and during the last two months there was only a dribbling of urine, which came all the time. He finally died of uræmia in a comatose condition September 22, 1908.

The claimant was married to the soldier September 6, 1873. Her legal widowhood has been admitted by the Pension Bureau in the allowance to her of the accrued pension.

She files an affidavit with the bill stating that she has no property except a few personal effects, and is entirely dependent upon her labor for a livelihood.

Her physician testifies that her physical condition is much impaired by reason of a cancer of the face, which practically precludes her obtaining employment.

It is believed that the death of the soldier was not improbably due to his service disabilities, and therefore your committee recommend the allowance of the general-law pension of \$12 per month to his widow.

H. R. 13217. Albert Scheina, 1177 Mechanic street, Camden, N. J., enlisted July 20, 1899, for service during the war with Spain, and

served until honorably discharged May 1, 1901, as a private soldier of Company I, Twenty-eighth Regiment United States Volunteer Infantry.

He first made application October 14, 1902, for pension on account of chronic diarrhea and stomach trouble. The application was rejected July 8, 1903, upon medical grounds, though legally approved for chronic diarrhea. He again filed February 2, 1905, on the same disabilities, also catarrh; catarrh was rejected upon legal grounds November 6, 1906, the remainder of the claim being medically rejected as before. Another application was presented February 10, 1908, on dysentery and disease of rectum, which was rejected May 18, 1908, on medical grounds. Again on February 2, 1909, soldier repeated last prior declaration with same result under date of April 22, 1909.

It appears from the official records that soldier was aged 23 years at enlistment; that no physical defects were then found upon examination except a slight varicocele.

The medical records show him treated February 14 to 17, 1900, bronchitis; March 3 to 8, 1900, intermittent malarial fever; April 5 to 7, 1900, diarrhea; April 24 to 30, 1900, intermittent malarial fever quotidian; August 2 to 3, 1900, diarrhea; January 30 to April 24, 1901, diarrhea and dysentery becoming chronic.

This treatment extended over a period during which soldier was on duty in the Philippines, en route homeward, and in hospital at the Presidio, Cal.

The claim having been legally approved for chronic diarrhea, dysentery, and resulting disease of rectum, the sole question involved is whether soldier is so disabled for the performance of manual labor as to entitle him to a pension. There have been six medical examinations by boards of surgeons, under dates of March 11, 1903; March 28, 1905; April 7, 1906; April 1, 1908; and March 24, 1909. In the first two of these no ratings were recommended; in the third \$4 per month was suggested, under the head of chronic diarrhea. In the fourth \$6 for the same cause. In the last \$2 for dysentery and disease of rectum, and \$6 for cold and resulting catarrh.

There is wide variance between the conditions so reported and those shown in the testimony of physicians whose affidavits are in the claim.

Dr. A. B. Reader stated before a special examiner that between October 11, 1901, and May 7, 1906, he professionally visited and treated this claimant 103 times, as shown by his record, not including office visits; that this treatment was for malaria at the beginning, and later alternating diarrhea and dysentery of a catarrhal nature, stomach and intestinal trouble; that he got rid of the malaria, but had never been able to correct the intestinal ailments, which became chronic; that during all this period claimant could work only from one-fourth to one-half his time. Doctor Reader's treatment continued after 1906, about once or twice each week, and attributes soldier's weak, anæmic condition, with cramps in bowels, frequent purging, internal and external piles, and prolapsus of rectum, to the tropical disease of record.

Dr. P. N. Litchfield gave a similar affidavit in the claim, under date of February 2, 1909, to the effect that soldier was a constant and extreme sufferer from diarrhea, ulceration of bowels and rectum, rheumatism, and chronic diarrhea, and was then just getting out of bed after an attack of the latter. Doctor Litchfield files an affidavit with the bill stating that these conditions in the main continue.

The facts have had careful consideration, and your committee recommend as an equitable allowance a pension of \$12 per month.

H. R. 16421. Robert Brammer, Trinity, Lewis County, Ky., enlisted for the war with Spain April 27, 1898, and served as a private soldier in Company M, Third Regiment Kentucky Volunteer Infantry until honorably discharged May 16, 1899. He reenlisted in Company H, Third Regiment United States Volunteer Infantry, and was again honorably discharged April 17, 1901.

He is pensioned at the rate of \$6 per month under the general law, on account of malarial poisoning incurred in the line of duty in the Philippine Islands. This allowance began September 15, 1905.

He filed an application for increase October 2, 1908, alleging as results of malarial poisoning disease of liver and heart and nervousness. His claim was rejected April 29, 1909, upon medical grounds that his disability from malarial poisoning and disease of liver was covered by the rate of pension and that disease of heart would not be accepted as a result.

Medical examination under the claim was had by the board of surgeons at Augusta, Ky., April 7, 1909, who recommended ratings of \$6 on account of results of sunstroke or overheating, and \$6 for disease of heart. Soldier stated to the board that since returning home from arduous exertions due to long marches, etc., in the Philippine Islands, during which he was overheated, he has been unable to engage in his former occupation of working on a railroad because of weakness and pains in the chest.

Two medical affidavits accompany the bill showing the heart irregular in its action, spleen enlarged to double its normal size and tender, indicating continuance of malarial poisoning in an aggravated form; liver also enlarged and inability to perform manual labor to about two-thirds of the time.

It is believed that the facts warrant a pension of \$12 per month, which is respectfully recommended.

H. R. 16516. John W. Farrell, of Weir, Cherokee County, Kans., served as captain of Company F, Twenty-second Regiment Kansas Volunteer Infantry, from May 2, 1898, to November 3, 1898, when honorably discharged upon the muster out of the company. No physical defect was found at enlistment, but in a statement made preliminary to discharge the officer stated that he had a crippled left hand and weak eyes, both of which disabilities had been contracted before service. He also said that his army life had been a benefit to his health. His age at enlistment is recorded as 45 years, and at the present time he states that he is 60 years old.

There is no record of treatment for any cause during service. He was examined by a surgeon October 28, 1898, who certified that aside from impaired vision and injury of left hand no other disability existed.

On October 7, 1907, the officer applied for a pension on account of injury of back, caused by a camp chair breaking down while he was seated upon it, and for hay fever, both contracted in the line of duty during the war with Spain.

A medical examination by a board of surgeons at Girard, Kans., was made November 20, 1907, and rates of six-eighteenths for impaired motion of the back due to lumbago and ten-eighteenths for hay fever were recommended.

The second lieutenant of the officer's company testified to the origin of both disabilities, as alleged, and to his complaints of both troubles after discharge.

Two other witnesses also testified to the existence of hay fever at frequent intervals after discharge, of his complaints as to that disease, and to his suffering with some disability of the back.

The claim was rejected May 28, 1909, on the ground that the evidence failed to show the origin of the alleged causes in the military service.

Filed with the bill is an affidavit of the officer explaining the apparent inconsistency between his statements made preliminary to discharge and in his pension claim. He now says that while he contracted the hay fever as alleged and suffered with it until some time in September, 1898, when it abated, and was not bothering him at discharge, but that it soon after recurred and has given him trouble at all times of the year, more or less, ever since. He says also that the injury to his back, after a few days, did not appear to be serious, but that he had been at home only a few days after discharge when the trouble reappeared and has since bothered him every two or three weeks. He says he is poor and physically unable to earn a living by manual labor, has no property, and is barely able to earn his board and clothes.

Filed with the bill is also the testimony of the officer's family physician before and since service, who states that he has frequently treated him for influenza and severe kidney and liver trouble which may have resulted from the conditions described by the officer, and that he was a strong, able-bodied man previous to service.

Other witnesses corroborate the officer as to his condition since discharge.

From the history of the case it is not unreasonable to believe that the catarrhal hay fever and lumbago or injury of back may have originated as claimed by the officer, and so believing, your committee respectfully recommend a pension of \$20 per month.

H. R. 16812. Robert V. Horton, Embreeville, Chester County, Pa., was a private soldier of Troop E, Eleventh Regiment United States Cavalry, from April 6, 1901, to October 6, 1902, when discharged upon a surgeon's certificate of disability at the presidio of San Francisco, Cal., because of having been wounded by a gunshot of the left foot by a hidden insurgent on the night of March 13, 1902, while guarding prisoners in the vicinity of Manila, P. I.

He is a pensioner under the general law at \$14 per month on account of a wound of the left foot and dysentery. He was originally pensioned from October 10, 1902, at \$12, his present rate having been allowed him July 11, 1906.

Two applications for increase since filed, namely, August 20, 1907, and February 13, 1909, have been rejected upon medical grounds.

Medical examination was last had by the board at Media, Pa., March 3, 1909, and resulted in a recommendation of \$20 per month on account of dysentery, gunshot wound, and enlarged liver and spleen.

The papers accompanying the bill show that claimant was a brave and excellent soldier and that his earning capacity has been greatly reduced by reason of his army disabilities; that he is dependent upon his own exertions for a livelihood. There is also the affidavit of a physician, Dr. F. H. Sage, who states there are many scars upon the foot with depressions, indicating loss of bone; also contraction of the ankle and apparent weakness. He states there is enlargement of liver and generally debilitated condition, which, in his opinion, would wholly disable the soldier for labor.

It is believed that the present rate is too low for the disability due to the service, and an allowance of \$20 per month is recommended.

H. R. 16970. Rebecca E. Coffey, Wilbar, Wilkes County, N. C., is the widow of Joshua T. Coffey, who served as a private soldier of Captain Miller's company, North Carolina Volunteers, Cherokee Indian disturbances. The official records show that he enlisted June 5, 1838, and was honorably discharged June 13, 1838; also that bounty-land warrant issued upon his service.

The widow applied for pension May 10, 1893; her claim was rejected upon the ground of insufficient service. It is shown by the records of the Auditor for the War Department that the soldier was actually paid for twenty-one days' service, and was entitled to travel pay for 150 miles to rendezvous and an equal distance from place of discharge to his home. His service, therefore, would be nine days short of the time required by law to bestow title to pension.

Mrs. Coffey is aged about 62 years. She was married to the soldier May 5, 1880. His death occurred January 18, 1891. She sets forth in a sworn petition accompanying the bill that she has no income and no property save a small piece of land worth about \$100.

It is believed that the statutory requirement of thirty days' service should be waived in this case, such action being in line with the precedents, and that a pension of \$12 per month should be allowed.

H. R. 18236. John S. Robison, of North Yamhill, Yamhill County, Oreg., was a private soldier of Capt. James Williams's company (N), Washington Territory Mounted Volunteers, from June 2, 1856, until honorably discharged September 25, 1856, in the Oregon and Washington Territory Indian wars. He is pensioned at \$8 per month, the rate allowed by law to the survivors of said wars.

In a sworn statement accompanying the bill claimant sets forth that he is aged 70 years; that he is totally disabled for the performance of manual labor; that he owns 30 acres of land, and that his annual income from all sources, aside from his pension, is about \$70.

There are many precedents for the proposed legislation, and your committee respectfully recommend a rating of \$16 per month in this case.

H. R. 18564. Hermann W. Toepperwein, Leon Springs, Bexar County, Tex., was a private soldier of Company B (Captain Walker), Mounted Battalion Texas Volunteers, from December 1, 1854, until honorably discharged March 31, 1855, participating in the defense

of the frontier during Indian depredations. He is pensioned at \$8 per month, the rate allowed under the law.

In a sworn statement accompanying the bill claimant sets forth that he is 73 years of age; that he is wholly incapacitated for earning his support by manual labor; that he owns 178 acres of land, which affords himself and wife a home, but no income; and that his annual income from all sources is limited to his small pension.

In view of the many precedents for the proposed legislation, a rating of \$16 per month is respectfully recommended in this case.

The passage of the bill is recommended.

On page 2 strike out all of lines 5 to 8, inclusive. This is the case of Gilford Ratliff (H. R. 3129). Appears that soldier is possessed of considerable property and could not be considered destitute, and that his case was not one which merited congressional action.

On page 2 strike out all of lines 23 and 24, and lines 1 and 2 on page 3. This is the case of Polk R. Kyle (H. R. 3155). In the House report it appears that soldier has considerable property, owning some 400 acres of land, which produces him an income, and your committee are of opinion that pension should be granted only in cases to relieve distress.

On page 4 strike out all of lines 1 to 4, inclusive. This is the case of George Bingaman (H. R. 5008). Soldier performed no particular service, his disability was not of service origin, and the passage of a bill to pension him would be practically a service pension for services in the war with Spain, which your committee feel is not warranted at the present time.

On page 4 strike out all of lines 9 to 11, inclusive. This is the case of Samuel A. Berry (H. R. 7687). Soldier went to the hospital one month after his enlistment and remained there until discharge. If his disability was incurred in the service, your committee believe he should be able to prove it by the bureau, as he certainly has a very thorough hospital record.

On page 4 strike out all of lines 12 to 17, inclusive. This is the case of Rachel N. Schmitz (H. R. 7989). Soldier's service was an entirely peace service. His death is not shown to have been due to his service, although he was pensioned for disease of lungs, and the passage of the bill would be practically allowing a service pension for Regular Army service.

On page 5 strike out all of lines 20 to 23, inclusive. This is the case of Florence P. Percy. The beneficiary is receiving a pension of \$30 under the general law, and in her own statement she swears she has an income slightly in excess of that from other sources. That being the case, your committee believe she could not be considered to be destitute, and therefore recommend striking the item from the bill.

